



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,950	11/18/2003	John Laurence Melanson	1067-CA-C1 (P108C1)	4450

7590 12/07/2004

James J. Murphy, Esq.  
Winstead Sechrest & Minick P.C.  
1201 Main Street  
P.O. Box 50784  
Dallas, TX 75250-0784

EXAMINER

D AGOSTA, STEPHEN M

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/715,950

Applicant(s)

MELANSON, JOHN LAURENCE

Examiner

Stephen M. D'Agosta

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4-14-2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 26-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,3-8 and 26-29 is/are rejected.  
7) ☒ Claim(s) 30 and 31 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11-18-03.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Preliminary Amendment*

The preliminary amendment has been entered: hence, only claims 1, 3-8 and 26-31 were examined, all other claims were either cancelled or withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 3, 5-8 and 26-28** rejected under 35 U.S.C. 102(e) as being anticipated by Hoyt et al. US 6,587,670 (hereafter Hoyt).

As per **claims 1 and 27-28**, Hoyt teaches a system comprising:

An AM radio receiver (eg. a class D amplifier for use in an AM radio receiver, (abstract, and C1, L10-57);

Switched mode circuitry comprising an audio amplifier for driving an audio channel of said radio receiver and operating at a selected switching frequency (figure 2 shows AM/FM switch and modulator/demodulators), the audio amplifier including a system comprising:

Pulse width modulation circuitry (figure 2 shows PWM in class D amplifier block) operating in response to a clock signal of a selected frequency and another clock signal having a frequency of a selected frequency divide ratio to the frequency of the clock signal, the pulse width modulation circuitry outputting a pulse width modulated signal at said selected switching frequency and changing operating characteristics (C1, L60 to

Art Unit: 2683

C2, L50 teaches changing clock frequency of amplifier) in response to a change in said divide ratio (C2, L11-23 and figure 5 shows a DIVIDE-BY-N-CIRCUIT, #220 along with an AM Local Oscillator #100 and a Reference Clock #110A whereby the divided Local Oscillator is outputted to the Class D amplifier #230) ; and

Circuitry for setting said switching frequency of said switched mode circuitry by setting said divide ratio as a function of a frequency of an AM signal being received by said radio receiver (figure 5 shows the Divided Local Oscillator #230 being a function of the AM Local Oscillator #100 that is fed into the DIVIDE-BY-N Circuit #220 and the logic of #200 which reads on the claim).

As per **claim 3**, Hoyt teaches the system of Claim 1 wherein said switched mode circuitry comprises a Class D amplifier (title).

As per **claim 5**, Hoyt teaches the system of Claim 1 wherein said circuitry for setting said switching frequency of said switched mode circuitry comprises:

a signal generator for generating a base frequency of the clock signal (figure 5, AM Local Oscillator #100 that inputs into #220, Divide-by-N circuit);

a programmable divider for dividing said base frequency by a selected divisor to generate said another clock signal of a frequency with said selected divide ratio to the base frequency of the clock signal (figure 5, #220); and

control circuitry for selecting said divisor (figure 5, #200 is logic/control circuit and also see figure 6, #610).

As per **claim 6**, Hoyt teaches the system of Claim 1 wherein said circuitry for setting said switching frequency includes a microcontroller operable to select said switching frequency in response to selection of a reception frequency band by user input (figure 6 shows a feedback controller, eg. microcontroller, that can modify the switching frequency in response to a reception frequency band selected by the user since the Divide-by-N circuit #610 will be modified depending upon the LO #600 frequency chosen).

As per **claim 7**, Hoyt teaches the system of Claim 1 wherein said circuitry for setting said switching frequency detects said frequency of said signal received by said radio receiver by measuring a local oscillator frequency (figures 6-7 and C2, L51-65 teaches detecting the frequency).

As per **claim 8**, Hoyt teaches the system of Claim 1 wherein said switching frequency is selected such that at least one harmonic of said switching frequency lies outside a frequency band including said signal being received by said radio receiver (C2, L51-65 teaches selecting a frequency such that its harmonic(s) are "far away as possible from the tuned radio station corresponding to the frequency of the local oscillator").

As per **claim 26**, Hoyt teaches the system of Claim 1 wherein said circuitry for setting said switching frequency is operable to set said switching frequency to a selected one of a set of frequency steps differing in frequency by at least two percent (figures 5 and 7 show reference clocks #150/#160/#170 that are fed to the Filter #190 and Logic #200 which can connect to Oscillators A, B or C (#220) which are selected depending up on the frequency of the AM radio tuned to by the user and would inherently vary by more than 2% to accommodate the range of possible AM frequencies, otherwise there would have to be more Oscillators, see C3, L8-35 too).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4 and 29** rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyt.

As per **claim 4**, Hoyt teaches the system of Claim 1 wherein said circuitry for setting said switching frequency of said switched mode circuitry comprises:

control circuitry for selecting said selected one of said crystals to set the frequency of said clock signal (figure 5 #300 shows "LOGIC" which is interpreted as being "control circuitry" for selecting any of the three inputs that come from the FILTER, #190 and Comparators, #140, #141, #142),

**but is silent on**

a plurality of crystals of differing resonance frequencies;

a crystal oscillator for generating said switching frequency from a selected one of said crystals.

Hoyt does teach use of different reference clocks (figure 5, #150, #110A, #160, #170 as well as an AM local Oscillator, #100 in two places) and one skilled can interpret said reference clocks as being "crystals of differing resonance frequencies, a crystal oscillator for generating said switching frequency from a selected one of said crystals" since they both perform the same task (eg. generate a clock frequency).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Hoyt, such that it uses a plurality of crystals of differing resonance frequencies and a crystal oscillator for generating said switching frequency from a selected one of said crystals, to provide means for supporting the entire AM frequency range via the multiple reference clock frequencies.

As per **claim 29**, Hoyt teaches the system of Claim 27, **but is silent on** wherein the pulse width modulation circuitry changes a pulse width of the pulse width modulated signal in response to a change in the divide ratio.

Hoyt does teach PWM which inherently changes the pulse width to modulate a signal. Hoyt also teaches that the width of (just) the low side pulse is roughly proportional to the output voltage and primarily sets the loop frequency (C5, L27-36 which implies that the width changes (as one skilled would expect).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Hoyt, such that the pulse width modulation circuitry changes a pulse width of the pulse width modulated signal in response to a change in the divide ratio, to provide means for supporting multiple AM frequencies that the user may select thus insuring optimal PWM based on frequency.

### ***Allowable Subject Matter***

**Claims 30-31** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These claims recite novel material, in the examiner's opinion, which is not found in the prior art of record.

30. (New) The system of Claim 27, wherein the pulse width modulation circuitry changes a zero point of a pulse of the pulse width modulated signal in response to a change in the divide ratio.

31. (New) The system of Claim 27, wherein the pulse width modulation circuitry changes varies distortion correction operations in response to a change in the divide ratio.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

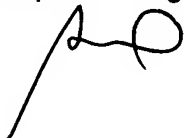
1. Yokoyama US 4,346,349
2. Tokumo et al. US 4,952,884
3. Pullen et al. US 6,107,875

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta

A handwritten signature in black ink, appearing to be 'SD' or 'S.D.', written in a stylized, cursive-like font.